

PROB 12C
(7/93)

Report Date: December 7, 2010

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 08 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Thomas McClellan Callaway Case Number: 2:02CR06044-001 - WFN
 Address of Offender:
 Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge
 Date of Original Sentence: 3/18/2003
 Original Offense: Possession of a Firearm in Furtherance of Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)
 Original Sentence: Prison - 78 Months; TSR - 36 Months Type of Supervision: Supervised Release
 Asst. U.S. Attorney: Alexander Carl Ekstrom Date Supervision Commenced: 9/10/2010
 Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: 12/9/2014

 PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.</p> <p><u>Supporting Evidence:</u> On November 4, 2010, Mr. Callaway was charged with two counts of Harassment, Benton County District Court, Kennewick, WA, docket no. K00051702</p>
2	<p><u>Special Condition # 16:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> On November 26, 2010, Mr. Callaway submitted to a urine drug test which tested positive for amphetamines. On November 27, 2010, Mr. Callaway again submitted to a urine drug test which tested positive for amphetamines. On December 3, 2010, Mr. Callaway admitted to this officer that he had ingested methamphetamine that he received from a person on a public bus.</p>

Prob12C

Re: Callaway, Thomas McClelean

December 7, 2010

Page 2

3 **Special Condition # 14:** You shall reside in a residential reentry center for a period up to 180 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirement of the program. You shall remain at the facility until discharged by the Court.

Supporting Evidence: On December 3, 2010, Mr. Callaway was removed from the Franklin County Work Release due to non-compliance with the program's rules.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/7/2010

s/Curtis G. Hare

Curtis G. Hare
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

Dec. 8, 2010
Date